

ESTTA Tracking number: **ESTTA262054**

Filing date: **01/22/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|--|
| Proceeding | 92047262 |
| Party | Plaintiff Roast of the Town, Inc. |
| Correspondence Address | Scott R. Goldberg Schian Walker PLC 3550 North Central Avenue, Suite 1700, Suite 1700 Phoenix, AZ 85012 UNITED STATES sgoldberg@swazlaw.com |
| Submission | Stipulated/Consent Motion to Extend |
| Filer's Name | Scott Goldberg |
| Filer's e-mail | sgoldberg@swazlaw.com, jlangstraat@swazlaw.com |
| Signature | /s/ SCOTT R. GOLDBERG |
| Date | 01/22/2009 |
| Attachments | Stip to Continue Suspension.pdf (2 pages)(122177 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 2,760,766; ESPRESSIONE

Issued on September 9, 2003

Roast of the Town, Inc.

Petitioner,

Cancellation No. 92047262

v.

Espressione International, Ltd.,

Respondent

STIPULATION TO CONTINUE SUSPENSION OF PROCEEDINGS

Pursuant to TBMP §2.117(c), the parties request that these proceedings be suspended through July 1, 2009 to allow the parties to continue settlement discussions. Previously, at the parties' request, these proceedings were suspended through September 17, 2008 and then through January 15, 2009. This request and the others before it are complicated by the fact that former counsel for Espressions is the party that caused this dispute but failing to adequately and timely file the appropriate renewal and related documents. Accordingly, while the parties to this dispute desire to reach a settlement, the settlement needs to involve former counsel and its law firm. When prior suspensions were sought, it was anticipated that former counsel would be a voluntary participant to the settlement discussions. It now appears that litigation against former counsel (and its insurer) will be required before a global settlement can be reached. In the meantime, it does not appear that the parties to this proceeding are being unduly prejudiced by its suspension since the suspension is being done upon their mutual consent. The parties, therefore, respectfully

request that the Board appreciate the complexity of this dispute, and allow the parties to take the actions that are necessary to reach a consensual resolution, which will likely include malpractice proceedings commenced in the Superior Court for County of Maricopa, Arizona.

Harold L. Marquis, Esq.



Attorney For Respondent
Thomas, Kayden, Horstemeyer & Risley, LLC
100 Galleria Parkway, NW Suite 1750
Atlanta, Georgia 30339
770.993.9500 (t)
770.951.0933 (f)

Scott Goldberg, Esq.



Attorney For Petitioner
Schian Walker, PLC
3550 North Central Avenue, Suite 1700
Phoenix, Arizona 85012-2115
602.277.1501 (t)
602.297.9633 (f)